SENEGAL

Decent Work Check 2019

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WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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Bibliographical information


For an updated version in the national language, please refer to

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INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental principles and Rights at Work and Core ILO Conventions, are practiced, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., Decent Work Check. The Decent Work Check considers different work aspects, which are deemed important in attaining "decent work". The work makes the rather abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and gives a score to the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Workers can compare their own score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

Decent Work Check is useful both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work. WageIndicator teams, around the world, have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed - being a workers, self-employed, employee, employer, policy maker, labour inspector - there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer) and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work especially the effective enforcement of legislation in financially constrained states, rise of precarious employment and measuring the impact of regulatory regimes.

Currently, there are more than 100 countries for which a Decent Work Check is available here: www.decentworkcheck.org During 2019, the team aims to include at least 10 more countries, thus taking the number of countries with a Decent Work Check to 115!
Major Legislation on Employment and Labour

5. Convention Collective Nationale Inter Professionnelle, 1982
7. Decree n. 2006-1262, 2006
8. Decree on the modalities of remuneration of overtime, n. 70-184, 1970
9. Decree on the inter-professional and agricultural minimum wages, n. 96-154, 1996

The text in this document was last updated in March 2019. For the most recent and updated text on Employment & Labour Legislation in Senegal, please refer to: https://votredevier.org/senegal
ILO Conventions

Minimum wage: Convention 131 (1970)
Regular pay & wage protection: Conventions 95 (1949) and 117 (1962)

Senegal has ratified the Convention 95 & 117.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.
Regulations on work and wages:
- The Labour Code, 1997
- Decree on the interprofessional and agricultural minimum wages, n. 96-154, 1996
- Decree on the modalities of remuneration of overtime, n. 70-184, 1970
- Decree n. 2006-1262, 2006

Minimum Wage

The national guaranteed minimum wage for agricultural (SMIG) and non-agricultural workers (SMAG) is determined by Ministry of Labour. A decree is issued by the Ministry after consulting the National Labour and Social Security Council. Minimum wages higher than SMIG and SMAG are determined by joint committees covered by collective agreement. These rates may be extended further and become applicable to all the workers in concerned sector. These rates tend to establish the actual minimum rates applicable in practice. In the absence of collective bargaining agreements, orders of the Minister for Labour set minimum wage rates for different occupational categories.

Poverty line must be considered while determining minimum wage. Other factors that are taken into consideration to set minimum wage include needs of workers and their families and general economic conditions.

Minimum wage rates are determined separately for both agricultural and non-agricultural sectors. Through collective bargaining, wage rates are determined for other sectors as well. The minimum wage was last updated in 1996 through Decree No. 96-154 and it has not been revised thereafter.


Regular Pay

The Labour Code regulates the payment of wages to all classes of workers. It requires an employer to make timely payment of remuneration to the employees. If a worker is hired for a day on a short assignment, he is to be paid wages at the end of that day. Similarly, if he is hired for a week, he should be paid wages at the end of that week. The wages should be paid, however, in legal tender. Wages must be paid during working hours. For a worker hired on hourly or daily basis, wages must be paid on a fortnightly basis. Similarly, if a worker is hired on monthly basis, he has to be paid at the end of every month. Monthly wages must be paid within 8 days after the end of the work. Weekly or fortnightly wages must be paid within 2 days or 4 days respectively at the end of work giving entitlement to wages.

Salaries are paid in legal tender at workplace. Payment slip is also provided. Generally, employer is not allowed to deduct wages except in cases provided by the law. Collective agreements authorizing any wage deductions other than those provided by the law are invalid. Payment of salary in a form of alcohol or alcoholic beverages is strictly prohibited.

ILO Conventions

Compensation overtime: Convention 01 (1919)
Night work: Convention 171 (1990)

Senegal has not ratified both Conventions 01 & 171.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter times (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions fare found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.
**Regulations on compensation:**
- The Labour Code, 1997
- Decree on the inter-professional and agricultural minimum wages, n. 96-154, 1996
- Decree on the modalities of remuneration of overtime, n. 70-184, 1970
- Decree n. 2006-1262, 2006

**Overtime Compensation**

In accordance with the Decree on the modalities of remuneration of overtime, normal working hours are 40 hours a week. Workers may be required to work overtime if a work cannot be carried out in normal working hours. Overtime is also required in cases where urgent work has to be carried out immediately to prevent the loss of products or to deal with an imminent accident. If work is interrupted due to accident, force majeure, adverse weather or regular decrease of work, working hours can be prolonged to make up for this time and need not be remunerated as overtime.

If a worker works beyond the stipulated working hours, i.e., 40 hours a week, he/she is entitled to an overtime pay according to the following schedule.
- 110% of normal hourly rate for the first eight overtime hours;
- 135% of normal hourly rate beyond 48th hour in a week

According to the Decree n. 2006-1262, overtime work can be carried up to 100 hours per year, which can be exceptionally increased to 10 hours per week with the authorization of the Labour Inspector and for not more than 6 months.

Source: Decree on the modalities of remuneration of overtime No. 70-184 1970, Decree n. 2006-1262 2006

**Night Work Compensation**

Night work is the work performed between 22:00 and 05:00 of the following day. Night work is paid at the premium rate of 150% of normal hourly wage during weekdays and 200% of normal wage rate for night work on weekends and public holidays.

Source: Decree on the modalities of remuneration of overtime No. 70-184 1970

**Compensatory Holidays / Rest Days**

In extraordinary circumstances, workers may perform work on weekly rest days and public holidays. Worker may enjoy compensatory rest of 100% of the hours of overtime work in lieu of overtime remuneration.

Source: Decree No. 2006-1262 2006
Weekend / Public Holiday Work Compensation

Workers may be required to work on weekly rest days and public holidays. In such circumstances when employees have to work on official holidays or weekly rest days, workers are entitled to receive wages at the premium rate of 150% during daytime and 200% during night time.

Source: §4 of Decree on the modalities of remuneration of overtime No. 70-184 1970
ILO Conventions

Convention 132 (1970) on Holidays with Pay
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.
In addition, for several industries, different Conventions apply.

Senegal has ratified the Convention 14 only.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week.
Regulations on annual leave and holidays:
- The Labour Code, 1997
- Convention Collective Nationale Interprofessionnelle, 1982
- Decree n. 2006-1262, 2006
- Decree on the modalities of remuneration of overtime, n. 70-184, 1970

**Paid Vacation / Annual Leave**

In accordance with labour code, annual leave is provided to all workers on completion of one year of service. An employee is entitled to 24 working days of annual leave on completion of at least twelve months of service. The duration of paid annual leave increases with the length of service, as determined under other regulations and collective agreements.

Annual leave is increased by one day for each child a woman worker has under the age of 14 years. Workers are paid at the rate of 1/12th of annual pay for the duration of leave, i.e., they receive one month pay, exclusive of other benefits for the annual leave of 24 working days. The payment is made before the commencement of annual leave.

Annual leave can be accrued over a maximum of three years however in every year, six working days leave must be availed. It is illegal to provide compensation in lieu of annual leave except in the case of termination of employment contract.


**Pay on Public Holidays**

Every year, 08 public holidays, in addition to National Holiday (4th April), the Tamxarit, the day of the Grand Magal de Touba and First May, are paid holidays unless they fall on a Sunday. The choice of six of them is made in each company by agreements between the employer and the employees' representatives. The seventh and eighth days are left to the choice of the employer.

Festival holidays are announced by Senegalese Government at the start of calendar year (usually 15 in number). It includes New Year’s Day (January 01), Maouloud , Senegalese Independence Day (April 04), Easter Monday/Pâques (April 21), International Labour Day (May 01), Ascension (May 29), Whit Monday/Pentecost (June 09), Korité/Ramadan, Assumption Day, Tabaski (Feast of Sacrifice), All Saints’ Day (November 01), Tamkharit (Ashura), Magel de Touba (December 10) and Christmas Day (December 25). . The dates of Muslim festivals are determined based on the sighting of moon and thus depend on the lunar calendar.

Source: §52 of the Inter-professional Collective Agreement; Loi n° 2013-06 du 11 décembre 2013 complétant et modifiant certaines dispositions de la loi n° 74-52 du 4 novembre 1974 relative à la fête nationale et aux fêtes légales, modifiée
Weekly Rest Days

Workers are entitled to 24 consecutive hours of rest per week. Labour Law requires that weekly rest day, in principle, should be Sunday for all employees. Workers are entitled to compensatory rest day if they have to work on weekend however they have to relinquish their right to overtime payment if they want to avail compensatory holiday.

In case, providing the same day- off for all staff is detrimental to the public or jeopardizes the normal operation of the enterprise, weekly rest may be provided on a day other than Sunday or by providing it on rotation basis for all staff. A decree determines the conditions under which the exception can be provided and it also specifies the establishments that are exceptional.

ILO Conventions

Convention 158 (1982) on employment termination

**Senegal has not ratified the Convention 158.**

**Summary of Provisions under ILO Convention**

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).
Regulations on employment security:
- The Labour Code, 1997
- Convention Collective National Inter Professionnelle, 1982

Written Employment Particulars

Employment contracts may be for a fixed term or for an indefinite period. The contract of employment should be in writing. In the absence of writing, the contract is assumed to be for indefinite period. The employment contract is free from all stamps and registrations.


Fixed Term Contracts

Senegalese Labour law prohibits hiring fixed term contract workers for tasks of permanent nature. The fixed term contract is a contract whose duration is specified in advance according to the will of both parties. An employment contract concluded for the execution of a particular project or the completion of a task, whose duration cannot be assessed accurately in advance, is also considered as a fixed-term contract. A contract whose term is conditional on a future event and some, whose date is not exactly known, is also assimilated to a fixed term contract. A fixed term contract must be concluded in writing.

Maximum period of a fixed term contract is two years with the exception of certified companies under the Investment code, which may conclude a fixed term contract for a period of five years. The fixed-term contract concluded for the implementation of a particular project is not subject to the maximum term of two years, but in this case, it may not be renewed. Fixed term contract workers cannot be hired to provide sustainable employment in the normal and ongoing business activity of an enterprise. A worker may not be hired twice on fixed term contract with the same employer.

During early 2015 (February 2015), Labour Code was amended (article 49 & 76) and now it provides for four different types of internship and apprenticeship contracts. These contracts are Incubation Training Contract, Adaptation Contract, Pre-employment training contract, and qualification training contract. The aim of the reform is to make available, to the companies, competent and qualified human resource that can contribute to their productivity and competitiveness and protect the young graduates from abuse and insecurity as well as raise their employability. The law requires all of the training contracts to be in writing. Otherwise, these are treated as contracts of indefinite duration. The maximum period of an internship/training contract including renewals is two years. The monthly allowance of a trainee cannot be less than the minimum wage of the reference job category. At the end of contract, employer is required to issue a completion certificate.

A 2016 Decree regulates apprenticeship contracts and requires these in writing with
details of the parties, effective date and duration of the contract, conditions of remuneration and other conditions as laid down in the contract, and details of occupation that is to be taught. Apprenticeship contract cannot be signed before a worker turns 21 years. The maximum duration of apprenticeship agreements is specified under collective agreements or enterprise’s internal regulations however it cannot exceed four years including renewals.


**Probation Period**

Labour Code requires that probationary period must not be longer than 6 months. The probationary period is provided to judge the professional worth of the worker and for worker to know completely about the working conditions, health and safety, salary and social environment at the workplace.

Probationary period is fixed under the national interprofessional collective agreement as under:

- For workers paid by month, The probation period is
  - i. one month (renewable once) for workers, supervisors, technicians and similar workers and
  - ii. three months (renewable once) for engineers, managers
- For workers paid by hours, the duration of probation period is eight days (renewable once)


**Notice Requirement**

A fixed term contract terminates at the end of its term or by cancellation by either of the parties. The cancellation by either of the parties is on account of serious misconduct or in the event of force majeure (acts of God). The cancellation of contract by agreement must be in writing.

Either party may terminate the indefinite term employment contract by serving a written notice or paying in lieu thereof. Labour code requires termination notice by the party, which initiates the contract termination. A pregnant worker and a breastfeeding worker may terminate the employment contract at any time without following the notice requirements and without having to pay any compensation in lieu of notice.

The text in this document was last updated in March 2019. For the most recent and updated text on Employment & Labour Legislation in Senegal, please refer to: [https://votresalaires.org/senegal](https://votresalaires.org/senegal)
For terminating an indefinite term contract, different notice periods are provided for different worker categories according to the National Inter-professional Collective Convention. Notice period is 3 months for executive and similar workers while for non-executive workers; the notice period is 1 month. For blue-collar and permanent staff, notice period depends on worker categories and length of service. Notice period ranges from 8 days to 1 month for different categories of workers depending upon the length of service. The notice period for hourly, daily or weekly paid blue-collar workers is:

i. 8 days (categories 1-4)/15 days (categories 5-7) for less than one year of service;
ii. 15 days (categories 1-4)/15 days (categories 5-7) for 1-5 years of service; and
iii. 1 month (categories 1-4)/1 month (categories 5-7) for more than 5 years of service

Source: § 47-59 & 143-144 of Labour Code 1997; Convention Collective National Inter Professionnelle, 1982

**Severance Pay**

There is no clear provision in the law regarding severance/redundancy pay. Severance pay is provided under the inter-professional collective agreement. A worker is entitled to severance pay after at least one year of continues service with an employer, provided that he/she has not committed any gross misconduct/negligence leading to termination of contract. Severance pay under the collective agreement is set as a percentage of overall monthly wages and depends on the length of service. Workers get:

- 25% of the monthly wages during the first 5 years of service (1.25 months of wages for a worker with 5 years of service)
- 30% of the monthly wages during the next 5 years i.e. up till 10 years of service (1.25 months + 1.50 months of wages for a worker with 10 years of service)
- 40% of the monthly wages per year after 10th year (1.25 months+1.50 months+ 2 months wages for 15 years of service)

Source: §30 of the Interprofessional Collective Agreement 1982
ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981)
Recommendation 165: Workers with Family Responsibilities (1981)

Senegal has not ratified the Conventions 156.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.
Regulations on family responsibilities:
- The Labour Code, 1997
- Convention Collective National Inter Professionnelle, 1982

Paternity Leave

In accordance with the inter-professional collective agreement, workers are entitled to fully paid paternity leave of 1 day on the birth of a child after at least 6 months of service.

Source: §18 of the Inter-professional Collective Agreement 1982

Parental Leave

There is no provision in the law on paid or unpaid parental leave.

Flexible Work Option for Parents / Work-Life Balance

According to Labour Code, mothers are entitled to an additional day of leave per year for each child under 14 years of age.

Source: §148 of the Labour Code
ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

**Senegal has not ratified both Conventions 103 & 183.**

**Summary of Provisions under ILO Convention**

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker’s income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.
Regulations on maternity and work:
- General Order No. 5254,1954 concerning the Work of Women and Pregnant Women
- Social Security Code, 1997

Free Medical Care

Pregnant workers must undergo periodic obstetric medical examinations before the 3rd month, around the sixth month and in the eighth month of pregnancy to get entitled to the prenatal allowances.

Medical benefits are provided under the Action Sanitaire, Sociale et Familiale. This institution is responsible for 40% to 80% of medical and pharmaceutical expenses and hospitalization. The health, social and family action includes, among other things, medical care of the mother and child. (http://www.secusociale.sn)

Source: §16 of the Social Security Code 1997; Action Sanitaire Sociale et Familiale

No Harmful Work

A decree establishes the type of work that is prohibited for women and pregnant women workers. In accordance with the General Order No. 5254, a pregnant worker may not be employed on any work, which is beyond her strength. Any kind of work that is damaging for a pregnant worker's health and morals is strictly prohibited. A woman worker may not be required to carry, push or drag any load during the 3 weeks following the normal resumption of her work after confinement (as well as during her pregnancy).

Labour inspectors can also require medical examination in order to test if the work performed by the female worker is beyond her physical strength (This applies even when the worker is not pregnant).

Source: §146 of Labour Code; § 1 & 20 of the General Order No. 5254

Maternity Leave

Female employees are entitled to 14 weeks (98 days) of maternity leave including 8 weeks of post natal maternity leave. Employment contract of a female worker is suspended during pregnancy. In case of illness, arising out of pregnancy or confinement certified by a medical practitioner, maternity leave can be extended by three more weeks.

**Income**

The maternity allowance is calculated at a rate of full daily wage actually received by the employee in the last pay. The maternity benefits are paid by the Government.


**Protection from Dismissals**

Labour law states that a women worker cannot be dismissed during the period of her pregnancy and maternity leave. Employment contract of a female worker is suspended during pregnancy, delivery and for any post-natal illness.


**Right to Return to Same Position**

There is no specific provision in the labour code regarding a worker's right to return to same position after availing her maternity leave. However, it is mentioned in article 143 of the labour code that a worker cannot be dismissed during the term of her maternity leave, which means that right to return to work is implicitly guaranteed under the law.


**Breastfeeding**

Female workers are entitled to paid nursing break of one-hour duration, for new mothers to breastfeed their child(ren) until a child is fifteen (15) months old.

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals. Convention 155 (1981) is the relevant general convention here. Labour Inspection Convention: 81 (1947)

Senegal has ratified the Convention 81 only.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.
**Regulations on health and safety:**

**Employer Cares**

In accordance with the provisions of the Labour Code, it is obligatory for an employer to ensure health, safety and welfare of persons at workplace according to the measures prescribed by the provisions on occupational health and safety under the labour law.

The employer must ensure that the worker's health and safety is not at risk at the workplace and machinery, equipment, substances and work processes are under control. The employer should undertake periodic analysis and assessments of the working environment conditions, and monitor the compliance with safety and hygiene standards. The employer must collect data on the safety and health of workers and the workplace.

A decree establishes the general and specific measures of protection, prevention and safety to be implemented at the workplace. Employers are required to set up an occupational safety service and a committee on occupational health and safety. The occupational safety service assists and advises the employer, and the workers or their representatives (if necessary), on the implementation of a health and safety program. A decree determines the organization, duties, operation and means of action of the occupational safety services, the modalities of participation of safety representatives and joint health and safety committees.


**Free Protection**

In accordance with the provisions of the Labour Code, it is the responsibility of employer to provide free protective equipment including clothing to the worker whose work involves exposure to wet or injurious substances. Personal protective equipment are provided if collective protection measures are not sufficient to ensure the safety and health of workers. Appropriate equipment is provided and maintained by the employer. A worker must not be allowed to enter at the workplace without his/her personal protective equipment.


**Training**

In accordance with the Labour Code, it is the responsibility of an employer to provide adequate instruction, training and supervision as is necessary to ensure health and safety of his employees. All workers must be fully informed of existing occupational hazards in the workplace to prevent these risks and protect themselves. This information and instructions must be provided to workers in a way that allows them to
acquire a good general training in occupational safety and hygiene.


**Labour Inspection System**

Labour Code provides for an independent and powerful labour inspection system in the country (art. 189-204). The Inspector of Labour and Social Security supervises the compliance with OSH provisions by the employer.

When the Inspector finds out that an employer is not complying with standards or requirements, the Inspector gives notice to the employer requiring him/her to comply. In addition, when the Inspector discovers that the working conditions are hazardous to the safety or health of workers and they are not covered by the implementing decrees pursuant to the Labour Law, the Inspector issues a notice to the employer to remedy them.

The Inspectors of Labour and Social Security provide practical measures for the use of processes, substances, machinery or equipment, which expose workers to occupational hazards at the workplace or ban them if the protection of the worker does not appear to be adequate.

The Inspector General of Labour and Social Law may, on the report of the territorial Inspectors of Labour and Social Law, and after consultation with the Federal Advisory Technical Committee on Hygiene and Security, grant a permanent or temporary exemptions to the execution of some of the requirements set in the General Decree No. 5253 I.G.T.L.S./A.O.F. of 19 July 1954 which Implements the General Measures for Occupational Hygiene and Safety when the application of these requirements is practically impossible and the health and safety of workers is ensured in conditions at least equivalent to those laid down by the provisions in question.

Carelessness, negligence or failure to comply with OHS regulations, involuntarily committing injury is punishable with imprisonment of six months to five years and a fine of 20,000 to 300,000 CFA (Central African Franc).

The law foresees imprisonment sanctions, which may vary from a minimum of 15 days to 3 months for certain OSH infringements, and from 6 months to 5 years for a number of violations of OSH provisions.

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Senegal has ratified the Conventions 102 & 121.

Summary of Provisions under ILO Conventions

A worker’s rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker’s average wage in periodical payments.
Regulations on sick leave & Employment Injury Benefits:

- The Labour Code, 1997
- Convention Collective Nationale Inter Professionnelle, 1982
- Social Security Code, 1997

Income

Inter-professional collective agreement provides for income for a sick worker when he/she is absent from work due to sickness in the first 6 months of his illness. The important qualifying condition here is employment duration/period served with a particular employer.

- for less than 12 months of service: 1 month full pay, 3 months half pay;
- for more than 12 months but less than 5 years of service: 1 month full pay, 4 months half pay;
- for more than 5 years of service: 2 months full pay, 5 months half pay.

Source: §19-20 of the Inter-professional Collective Agreement

Medical Care

Employers are required to enroll their employees to a social security institution (I.P.M.) to ensure their health coverage. Medical benefits are provided under the Action Sanitaire, Sociale et Familiale. This institution is responsible for 40% to 80% of medical and pharmaceutical expenses and hospitalization. These include medical care, consultations, vaccinations, food monitoring, family planning, provision of cheap generic drugs, medical tests. Other members of the employee's family are also protected. (www.secusociale.sn)

Job Security

In accordance with the inter-professional collective agreement, employment of a worker is secure during the first 6 months of illness. A replacement worker may be hired only after passing that period. If a replacement worker is hired during the period, he/she is informed of the provisional nature of the job. Period of employment security is extendable to 8 and 10 month depending upon the length of service.

Source: §19 of the Inter-professional Collective Agreement

Disability / Work Injury Benefit

Work injuries are divided into four categories: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

In the case of permanent total incapacity/disability, compensation of 100% of an insured worker's average earnings is paid for 12 months before disability.

The text in this document was last updated in March 2019. For the most recent and updated text on Employment & Labour Legislation in Senegal, please refer to: https://votresalaire.org/senegal
In the case of permanent partial disability, amount of compensation depends on the assessed degree of disability. If the assessed disability is less than 10%, a lump sum pension is paid.

In the case of temporary disability, compensation is provided at the rate of 50% of workers' earnings in the last month. This benefit is paid for the first 28 days of temporary disability. If disability continues after that, 66.7% of last month's (before disability started) earnings are paid until worker's full recovery or certification of permanent disability.

In the case of fatal injury, dependents (widow/widower/minor children) receive survivors' pension. A widow/widower gets 30% of the monthly pension a deceased worker received or was entitled to receive. Pension for widow/widower ceases on remarriage. An orphan receives 15% of the pension. He/she ceases to receive pension on reaching the age of 15 years. There is also option for dependent parents and grandparents' pension.

Source: §71-88 of the Social Security Code
ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions
Medical Care and Sickness Benefits: Convention 130 (1969)

Senegal has ratified the Conventions 102 & 121.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.
Regulations on social security:
- The Labour Code, 1997
- Social Security Code, 1997

Pension Rights

The Pension Insurance Institution of Senegal (IPRES) provides for old age benefit to a worker when he/she attains the age of 60 years (for arduous work, this age is 55 years). An early retirement benefit can also be claimed at the age of 53 years, but the rate of the allowance is reduced by 5% for each year of earlier pension. A worker contributes 5.6% of his gross monthly earnings to IPRES while an employer contributes 8.4% of covered monthly earnings. (www.ipres.sn)

Dependents'/Survivors' Benefit

Law provides for survivor benefit to the dependents including widow, widower, children. The benefit is provided if the insured worker was a pensioner or had met the qualifying conditions for a pension at the time of death. Widow(er) is entitled to 50% of the deceased's old-age pension; orphans (aged less than 21) receive 20% of the deceased's pension. Lower rates apply if the ages of widow (er) are less than legally set qualifying age. (www.ipres.sn)

Unemployment Benefits

No provision in law for unemployment insurance and benefits.

Invalidity Benefits

No statutory benefit is provided.
ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden. Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Senegal has ratified both Conventions 100 & 111.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Not clearly provided in ILO Conventions. However, sexual intimidation/harassment is gender discrimination.

An employer can’t discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can’t be occupational segregation on the basis of gender.
Regulations on fair treatment:
- Constitution of Senegal, 2001
- General Order No. 5254, 1954

Equal Pay

Labour Code also prohibits discrimination in employment and wages on the basis of sex, origin and age. Wage is equal for all the workers for work of equal value. The Constitution of Senegal also prohibits discrimination between men and women in employment and wages.


Sexual Harassment

Sexual harassment in general is a liable offence however; there is no clear provision in the labour code prohibiting harassment. Under article 319-bis of the Penal Code, sexual harassment by a person abusing his authority is punished by imprisonment for six months to three years and a fine of 50,000 to 500,000 CFA francs. If the victim is under 16 years, maximum imprisonment shall be pronounced.

Source: §319-bis of the Penal Code

Non-Discrimination

In accordance with the Constitution of Senegal, all citizens are equal before law without any discrimination on the basis of origin, race, sex and religion. There cannot be any discrimination in employment on the basis of origins, sex, opinion, political choices or beliefs.

Labour code also prohibits discrimination on the grounds of sex, age, status and origin.


Equal Choice of Profession

Women cannot work in the same industries as men. Restrictions are in place to protect women.

Source: §142 of Labour Code; General Order No. 5254, 1954 concerning the Work of Women and Pregnant Women
ILO Conventions

Minimum Age: Convention 138 (1973)
Worst Forms of Child labour: Convention 182 (1999)

Senegal has ratified both Conventions 138 & 182.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances.

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.
Regulations on minors and youth:

- Ministerial Decree 3751, 2003

Minimum Age for Employment

Minimum age for employment is 15 years. Minors (under 18 years) cannot be employed even as apprentice, unless otherwise provided by a decree of Labour Minister taking into account the local circumstances.

Minors aged 12 to 15 years may be hired to do light work provided that the work is not hazardous to their health or mental and physical development and that it will not affect their education. A Labour Inspector may request that employed minors may be examined by a doctor. If the doctor opines that the job is too hard for the minor, the employer must change the job or terminate the minor’s employment.


Minimum Age for Hazardous Work

Minimum Age for hazardous work is 18 years. The Ministerial Decrees No. 3748, 3749, 3750 & 3751 prohibit children from working in hazardous conditions. The worst forms of child labour including forced labour, slavery, prostitution, working with dangerous materials and work that endangers the health and safety and morals of children are prohibited. More hazardous work related provisions are found in Decrees No. 3750 & 3751.

Young workers are not allowed to work more than eight hours a day. Night work is also prohibited.

Source: §1 of Ministerial Decree 3751 of 2003; Ministerial Decrees No. 3748, 3749 & 3750
ILO Conventions

Forced labour: Conventions 29 (1930)
Abolition of Forced labour: Conventions 105 (1957)
Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Senegal has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.
Regulations on forced labour:

Prohibition on Forced and Compulsory Labour

Labour law prohibits forced or compulsory labour. It is a punishable offence. The law defines forced or compulsory labour as any kind of work or service exacted from any person under the menace of any penalty or sanction and for which the said person has not offered himself voluntarily. Violation of these provisions is punishable by a fine of 0.5 million to 01 million and imprisonment for a term ranging from 03 months to one year or either of these penalties.

Source: §04 & 279 of Labour Code 1997; Ministerial Decrees No. 3749

Freedom to Change Jobs and Right to Quit

Workers have the right to change jobs after serving due notice on their employer. For more information on this, please refer to the section on employment security.


Inhumane Working Conditions

Working time may be extended beyond normal working hours of forty hours per week. Workers may be required to work overtime if a work cannot be carried out in normal working hours. Overtime is also required in cases where urgent work has to be carried out immediately to prevent the loss of products or to deal with an imminent accident.

For more information on this, please refer to the section on compensation.

Source: Decree on the modalities of remuneration of overtime No. 70-184 1970; Decree n. 2006-1262 2006
ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)
Right to Organize and Collective Bargaining: Convention 98 (1949)

Senegal has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.
Regulations on trade unions:
- Constitution of Senegal, 2001

Freedom to Join and Form a Union

Constitution and Labour law provide for freedom of association. The constitution of Senegal allows workers to affiliate with a union and defend their rights through union action.

Labour code requires the Ministry of Interior to give prior authorization before a trade union can exist legally. Trade unions are professional organisations that are exclusively designed to study and advocate the economic, industrial, commercial and agricultural interests, both collectively and individually, of the persons covered by the organization's statutes. Workers of same profession or same establishments may form a union and everyone has a right to freely join these organizations.

The unions must be registered with the Regional Inspectorate. The union representatives must file their articles or statutes and list of names, date and place of birth and designation of those responsible for management and administration. Three copies of each document are deposited to the regional inspectorate. Ministry of the Interior registers the union in view of the reports by Labour Inspector and Social Security and the Prosecutor. Registration process is followed again in case of any change in statutes and administration.

Professional unions have the right to sue, acquire without authorization, for free or for consideration, of immovable and movable property. They can, before all criminal courts exercise all the rights reserved to civil parties, in relation to acts causing direct or indirect harm to the collective interest of the profession they represent.

An employer is not allowed to interfere in a trade union's affairs.


Freedom of Collective Bargaining

In accordance with the Constitution, every worker may participate, by the intermediary of his delegates, in the determination of the conditions of work in the enterprise. Labour Code allows employees to bargain collectively through their representatives. Collective agreement is an agreement on working conditions between workers (through unions) and employers or employer organizations. A CBA usually provides better benefits to the worker than those provided in the law. If a CBA has provisions, which are less favourable than those provided under the law, it cannot be enforced.
A CBA may be concluded for definite or indefinite period. The duration of a CBA signed for definite time period may not exceed 5 years. A CBA of indefinite term may be cancelled by will of either party.

The collective agreement provides provisions regarding on the format and time of denunciation, renewal or revision of a collective agreement. The collective agreement must include in particular the period of notice that must precede denunciation. Either party can provide the notice for denunciation.

Collective agreements specify their scope of application. This can be national, regional or local level. It can be concluded for several industries or may be cited as settlement agreement, enterprise agreement, branch agreement or interprofessional agreement.

The CBA must be written in French. A decree determines the conditions under which it is deposited, published and translated. The CBA is applicable from the day following its deposit unless stated otherwise.

In accordance with a 2016 amendment in Labour Code in 2016, representative status of worker and employer organizations at sectoral and national level may be determined by an Order of the Ministry of Labour setting the modalities of elections and establish threshold of determining representativeness of trade unions in consultation with the National Advisory Council on Labour and Social Security.

To strengthen social dialogue, Senegal has created, by decree No. 2014-1299, the High Council of Social Dialogue (HCDS). This structure has replaced the National Committee of Social Dialogue, created earlier under National Charter of Social Dialogue. The High Council has representatives from all tripartite groups (10 members each from government, worker and employer groups, elected for a term of three years) and has formed many commissions including the Commission on Gender and Industrial Relations, Commission on Social Protection, and Commission on Social Mediation.

Labour Code also provides for an advisory council which is named as National Advisory Council on Labour and Social Security. The Council is tripartite in nature and has participation from worker and employer representative organizations. The council is authorized to give opinion on different matters specified in the Labour Code including employment contracts including apprenticeship contracts, contract termination notice, minimum wages, and type of work prohibited to women including pregnant women.

Right to Strike

Right to strike is recognized by law and enshrined in the Constitution however long notice periods and compulsory recourse to arbitration frustrate this right. The constitution of Senegal states that the strike must be exercised within the framework of the laws, which govern it. It may not, in any case, infringe the freedom to work, or place the enterprise in peril.

Peaceful strike is allowed only after the conciliation process to resolve the dispute fails. Strike is considered legal only strike is notified at least 30 days prior to the proposed date of strike.

Strike is illegal if it is not peaceful and does not comply with the provisions of labour code. The employment contract suspends during the period of strike.

DECENT WORK QUESTIONNAIRE
### 01/13 Work & Wages

<table>
<thead>
<tr>
<th>Q</th>
<th>Statement</th>
<th>NR</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>I earn at least the minimum wage announced by the Government</td>
<td>☹️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2</td>
<td>I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)</td>
<td>☹️</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

### 02/13 Compensation

<table>
<thead>
<tr>
<th>Q</th>
<th>Statement</th>
<th>NR</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Whenever I work overtime, I always get compensation</td>
<td>☹️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td></td>
<td><em>(Overtime rate is fixed at a higher rate)</em></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Whenever I work at night, I get higher compensation for night work</td>
<td>☹️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>5</td>
<td>I get compensatory holiday when I have to work on a public holiday or weekly rest day</td>
<td>☹️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>6</td>
<td>Whenever I work on a weekly rest day or public holiday, I get due compensation for it</td>
<td>☹️</td>
<td>☐</td>
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</tr>
</tbody>
</table>

### 03/13 Annual Leave & Holidays

<table>
<thead>
<tr>
<th>Q</th>
<th>Statement</th>
<th>NR</th>
<th>Yes</th>
<th>No</th>
</tr>
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<tbody>
<tr>
<td>7</td>
<td>How many weeks of paid annual leave are you entitled to?*</td>
<td>☹️</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td><em>(Only 3 or 4 working weeks is equivalent to 1 “YES”)</em></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>I get paid during public (national and religious) holidays</td>
<td>☹️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>9</td>
<td>I get a weekly rest period of at least one day (i.e. 24 hours) in a week</td>
<td>☹️</td>
<td>☐</td>
<td>☐</td>
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</table>

### 04/13 Employment Security

<table>
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<tr>
<th>Q</th>
<th>Statement</th>
<th>NR</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>I was provided a written statement of particulars at the start of my employment</td>
<td>☹️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>11</td>
<td>My employer does not hire workers on fixed terms contracts for tasks of permanent nature</td>
<td>☹️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td></td>
<td><em>Please tick “NO” if your employer hires contract workers for permanent tasks</em></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>My probation period is only 06 months</td>
<td>☹️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>13</td>
<td>My employer gives due notice before terminating my employment contract (or pays in lieu of notice)</td>
<td>☹️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>14</td>
<td>My employer offers severance pay in case of termination of employment</td>
<td>☹️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td></td>
<td><em>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</em></td>
<td></td>
<td></td>
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</tr>
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</table>

### 05/13 Family Responsibilities

<table>
<thead>
<tr>
<th>Q</th>
<th>Statement</th>
<th>NR</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>My employer provides paid paternity leave</td>
<td>☹️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td></td>
<td><em>This leave is for new fathers/partners and is given at the time of child birth</em></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>My employer provides (paid or unpaid) parental leave</td>
<td>☹️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td></td>
<td><em>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</em></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>My work schedule is flexible enough to combine work with family responsibilities</td>
<td>☹️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td></td>
<td><em>Through part-time work or other flex time options</em></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 06/13 Maternity & Work

<table>
<thead>
<tr>
<th>Q</th>
<th>Statement</th>
<th>NR</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>I get free ante and post natal medical care</td>
<td>☹️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>19</td>
<td>During pregnancy, I am exempted from nightshifts (night work) or hazardous work</td>
<td>☹️</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>20</td>
<td>My maternity leave lasts at least 14 weeks</td>
<td>☹️</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

*On question 7, only 3 or 4 working weeks is equivalent to 1 “YES”.*
21. During my maternity leave, I get at least 2/3rd of my former salary

22. I am protected from dismissal during the period of pregnancy
   Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity

23. I have the right to get same/similar job when I return from maternity leave

24. My employer allows nursing breaks, during working hours, to feed my child

**07/13 Health & Safety**

25. My employer makes sure my workplace is safe and healthy

26. My employer provides protective equipment, including protective clothing, free of cost

27. My employer provides adequate health and safety training and ensures that workers know
   the health hazards and different emergency exits in the case of an accident

28. My workplace is visited by the labour inspector at least once a year to check compliance of
   labour laws at my workplace

**08/13 Sick Leave & Employment Injury Benefits**

29. My employer provides paid sick leave and I get at least 45% of my wage during the first
    6 months of illness

30. I have access to free medical care during my sickness and work injury

31. My employment is secure during the first 6 months of my illness

32. I get adequate compensation in the case of an occupational accident/work injury or
    occupational disease

**09/13 Social Security**

33. I am entitled to a pension when I turn 60

34. When I, as a worker, die, my next of kin/survivors get some benefit

35. I get unemployment benefit in case I lose my job

36. I have access to invalidity benefit in case I am unable to earn due to a nonoccupational
    sickness, injury or accident

**10/13 Fair Treatment**

37. My employer ensure equal pay for equal/similar work (work of equal value) without any
    discrimination

38. My employer take strict action against sexual harassment at workplace

39. I am treated equally in employment opportunities (appointment, promotion, training and
    transfer) without discrimination on the basis of:

- Sex/Gender
- Race
- Colour
- Religion
- Political Opinion

* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.
<table>
<thead>
<tr>
<th>Nationality/Place of Birth</th>
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<th>☐</th>
<th>☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Origin/Caste</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Family responsibilities/family status</td>
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<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Age</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Disability/HIV-AIDS</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Trade union membership and related activities</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Language</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Sexual Orientation (homosexual, bisexual or heterosexual orientation)</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Marital Status</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Physical Appearance</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Pregnancy/Maternity</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**40.** I, as a woman, can work in the same industries as men and have the freedom to choose my profession

<table>
<thead>
<tr>
<th>11/13 Minors &amp; Youth</th>
<th>☒</th>
<th>☐</th>
<th>☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>41. In my workplace, children under 15 are forbidden</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>42. In my workplace, children under 18 are forbidden for hazardous work</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>12/13 Forced Labour</th>
<th>☒</th>
<th>☐</th>
<th>☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>43. I have the right to terminate employment at will or after serving a notice</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>44. My employer keeps my workplace free of forced or bonded labour</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>13/13 Trade Union Rights</th>
<th>☒</th>
<th>☐</th>
<th>☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>46. I have a labour union at my workplace</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>47. I have the right to join a union at my workplace</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>48. My employer allows collective bargaining at my workplace</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>49. I can defend, with my colleagues, our social and economic interests through “strike” without any fear of discrimination</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:

<table>
<thead>
<tr>
<th>Score Range</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 18</td>
<td>This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.</td>
</tr>
<tr>
<td>19 - 38</td>
<td>As you can see, there is ample room for improvement. But please don’t tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don’t adhere to such a code yet, they should. Many companies do by now. You may bring this up.</td>
</tr>
<tr>
<td>39 - 49</td>
<td>You’re pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.</td>
</tr>
</tbody>
</table>

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**Senegal** scored 40 times “YES” on 49 questions related to International Labour Standards.